3 CORNERS, LLC

and

FREDDY GODINEZ, HEIDI MARTIN,
DANIEL SALAZAR, SCOTT DAVEY, AND
DEE TESTA d/b/a QLI INTERNATIONAL,
Joint Employer

And

Case Nos. 28-CA-273948
28-CA-281839

GENERAL TEAMSTERS, AIRLINE
AEROSPACE AND ALLIED EMPLOYEES,
WAREHOUSEMEN, DRIVERS,
CONSTRUCTION, ROCK AND SAND
LOCAL 986 a/w INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

/__________________________________________________________/

RESPONDENT QUALITY LOGISTICS & INSTALLATION’S
RESPONSE TO GENERAL COUNSEL’S MOTION TO HOLD
REMAINDER OF HEARING VIA ZOOM VIDEOCONFERENCE

Quality Logistics & Installation (hereinafter “Respondent”), by and through its counsel of
record, the law firm of Kamer Zucker Abbott, hereby submits its response to the General Counsel’s
Motion to Hold Remainder of Hearing Via Zoom Videoconference (the “Motion”) that was filed
on June 13, 2022. That same day, Administrative Law Judge John T. Giannopoulos (“the ALJ”)
ordered a deadline of June 16, 2022, at 11:00 a.m. (PACIFIC) for any responsive pleadings to the
General Counsel’s Motion. As discussed below, Respondent seeks to have the hearing conducted
via videoconference.

Respondent agrees with the General Counsel that the current COVID-19 testing positivity
rate of nearly 30% in Clark County, Nevada—the site of the hearing—presents a compelling
circumstance warranting a virtual hearing at this time. See generally Aspirus Keweenaw, 370
NLRB No. 45 (2020) (addressing COVID-19 as a compelling circumstance warranting a departure from long standing policy favoring in-person manual elections). Conducting the hearing in-person poses unnecessary risk of illness to the involved parties, witnesses, and public at large, given the heightened COVID-19 positivity rate—that is presently well above the 5% threshold set in Aspirus suggesting the propriety of remote elections—and the rising daily COVID-19 case count.

These risks are further exacerbated due to the travel required for many of those participating in the hearing and the extended period of time that the parties would be together in the hearing room for the duration of the proceeding. Further, Counsel for the General Counsel recently advised the parties that the hearing room available to the parties at resumption will be a smaller room than the one previously utilized when the COVID-19 positivity rates were much lower. See Exhibit A. In addition, as previously stated in response to the ALJ’s February 4, 2022, Order to Show Cause, Respondent believes conducting the hearing virtually is a more convenient, cost effective, and less burdensome method for its business overall.

Given the above, Respondent respectfully requests the hearing be conducted via videoconference.

DATED this 16th day of June, 2022.

KAMER ZUCKER ABBOTT

By: /s/ Dare E. Heisterman
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Attorneys for Respondent,
Quality Logistics & Installation
CERTIFICATE OF SERVICE

I hereby certify that on June 16th, 2022, I did serve a copy of the Respondent Quality Logistics & Installation’s Response to General Counsel’s Motion to Hold Remainder of Hearing Via Zoom Videoconference upon:

Division of Judges – San Francisco
National Labor Relations Board
901 Market Street, Suite 485
San Francisco, CA 94013

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By:  /s/ Dare E. Heisterman
     An Employee of Kamer Zucker Abbott
Debra Dickinson

From: Dare Heisterman
Sent: Thursday, June 16, 2022 9:39 AM
To: Debra Dickinson
Subject: 3 Corners LLC, QLI International, 28-CA-273948 et al.,

All:

Ms. Moore from our Las Vegas office has informed me that the US Trustee Office (our channel for reserving the hearing space) reserved GSA Conference Room 1-500 for the hearing on Tuesday. We were previously in Room 1500. Ms. Moore has informed me that 1-500 is a smaller room. In addition, the US Trustee Office has informed us that they can no longer share room 1500 with us. Please let me know if you need additional information.

Thank you

From: Giannopoulos, John <John.Giannopoulos@nlrb.gov>
Sent: Monday, June 13, 2022 6:22 PM
To: Davila, Judith E. <Judith.Davila@nlrb.gov>; Daniel Barth <dbarth@wklegal.com>; wthacker@dickinsonwright.com; apellegrino@dickinson-wright.com <apellegrino@dickinsonwright.com>; Dare Heisterman <dheisterman@kzlaw.com>; Gregg Kamer <gkamer@kzlaw.com>
Subject: 3 Corners LLC, QLI International, 28-CA-273948 et al.,

Counsel,

Please see the attached Order.

John Giannopoulos
Administrative Law Judge